



COLORADO SPRINGS POLICE DEPARTMENT

BULLETIN



ORIGINATED BY: AMANDA TERRELL-ORR	APPROVED BY: DEPUTY CHIEF MARK SMITH	DATE ISSUED: 6/19/2020	GENERAL TOPIC: CHANGE IN COLORADO LAW REGARDING USE OF FORCE	SERIAL NO.: 126-20
SUPERSEDES DATE (IF ANY): N/A			SERIAL NO.: N/A	

The purpose of this bulletin is to:

1. Alert officers to a change in Colorado law prohibiting chokeholds and vascular neck restraints (currently also prohibited in GO 705).
2. Alert officers to an addition to CRS § 18-8-802 Duty to report use of force by peace officers, requiring officer intervention and not just reporting.

These provisions are in effect as of the Governor’s signature, which we anticipate to be this morning (6/19/2020).

****You may read the bill in its entirety by clicking [here](#)****

1. As is currently prohibited in GO 705, officers are now **prohibited** by state law from using a **chokehold or vascular neck restraint. CRS §18-1-707(2.5).**
2. **CRS § 18-8-802 (1.5)**
 - (a) A peace officer **shall intervene** to prevent or stop another peace officer from using physical force that **exceeds the degree of force permitted**, if any, by section 18-1-707, in pursuance of the other peace officer’s law enforcement duties in carrying out an arrest of any person, placing any person under detention, taking any person into custody, booking any person, or in the process of crowd control or riot control, without regard for chain of command.
 - (b) (I) A peace officer who intervenes as required by subsection (1.5)(a) of this section shall report the intervention to his or her immediate supervisor.
 - (b) (II) At a minimum, the report required by this subsection (1.5)(b) must include the date, time, and place of the occurrence; the identify, if known, and description of the participants; and a description of the intervention actions taken. This report shall be made in writing within 10 days of the occurrence of the use of such force and shall be appended to all other reports of the incident.
 - (c) A member of a law enforcement agency shall not discipline or retaliate in any way against a peace officer for intervening as required by subsection (1.5)(a) of this section, or for reporting unconstitutional conduct, or for failing to follow what the officer reasonably believes is an unconstitutional directive.

Summary of consequences for failure to intervene (found in (d)-(g)):

- Any peace officer who fails to intervene to prevent a use of unlawful force is guilty of a Class 1 Misdemeanor.
- If an internal investigation or administrative law judge finds the peace officer failed to intervene,
 - The finding must be presented to the District Attorney for a determination regarding criminal charges.
 - District Attorney does not need to wait for the internal investigation or finding by an administrative law judge to file criminal charges.
 - The peace officer's employer shall subject the peace officer to discipline (based on personnel laws) if the incident results in SBI or death to any person
 - The POST board shall permanent decertify the officer if the incident results in SBI or death to any person.
- DA has to prepare and publicly disclose a report if DA charges a peace officer with offenses related to and based upon the use of excessive force but does not file charges against any other officers at the scene during the use of force. The report must explain the DA's basis for the decision not to charge the other officer(s).